

SECOND REGULAR SESSION

SENATE BILL NO. 887

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDGEWAY.

Read 1st time March 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

6032S.011

AN ACT

To repeal section 94.902, RSMo, and to enact in lieu thereof one new section relating to sales taxes for public safety.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 94.902, RSMo, is repealed and one new section enacted
2 in lieu thereof, to be known as section 94.902, to read as follows:

94.902. 1. **(1) The governing body of the following cities may impose
2 a sales tax as provided in this section:**

3 **(a)** Any city of the third classification with more than twenty-six
4 thousand three hundred but less than twenty-six thousand seven hundred
5 inhabitants[, or];

6 **(b)** Any city of the fourth classification with more than thirty thousand
7 three hundred but fewer than thirty thousand seven hundred inhabitants[, or];

8 **(c)** Any city of the fourth classification with more than twenty-four
9 thousand eight hundred but fewer than twenty-five thousand inhabitants[.];

10 **(d) Any city of the third classification with more than four
11 thousand but fewer than four thousand five hundred inhabitants and
12 located in any county of the first classification with more than two
13 hundred thousand but fewer than two hundred sixty thousand
14 inhabitants.**

15 **(2) The governing body of any city listed in subdivision (1) of this
16 subsection** may impose, by order or ordinance, a sales tax on all retail sales
17 made in the city which are subject to taxation under chapter 144. The tax
18 authorized in this section may be imposed in an amount of up to one-half of one
19 percent, and shall be imposed solely for the purpose of improving the public

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 safety for such city, including but not limited to expenditures on equipment, city
 21 employee salaries and benefits, and facilities for police, fire and emergency
 22 medical providers. The tax authorized in this section shall be in addition to all
 23 other sales taxes imposed by law, and shall be stated separately from all other
 24 charges and taxes. The order or ordinance imposing a sales tax under this
 25 section shall not become effective unless the governing body of the city submits
 26 to the voters residing within the city, at a county or state general, primary, or
 27 special election, a proposal to authorize the governing body of the city to impose
 28 a tax under this section.

29 2. The ballot of submission for the tax authorized in this section shall be
 30 in substantially the following form:

31 Shall the city of (city's name) impose a citywide
 32 sales tax at a rate of (insert rate of percent) percent for the purpose of
 33 improving the public safety of the city?

34 YES NO

35 If you are in favor of the question, place an "X" in the box opposite "YES". If you
 36 are opposed to the question, place an "X" in the box opposite "NO".

37 If a majority of the votes cast on the proposal by the qualified voters voting
 38 thereon are in favor of the proposal, then the ordinance or order and any
 39 amendments to the order or ordinance shall become effective on the first day of
 40 the second calendar quarter after the director of revenue receives notice of the
 41 adoption of the sales tax. If a majority of the votes cast on the proposal by the
 42 qualified voters voting thereon are opposed to the proposal, then the tax shall not
 43 become effective unless the proposal is resubmitted under this section to the
 44 qualified voters and such proposal is approved by a majority of the qualified
 45 voters voting on the proposal. However, in no event shall a proposal under this
 46 section be submitted to the voters sooner than twelve months from the date of the
 47 last proposal under this section.

48 3. Any sales tax imposed under this section shall be administered,
 49 collected, enforced, and operated as required in section 32.087. All sales taxes
 50 collected by the director of the department of revenue under this section on behalf
 51 of any city, less one percent for cost of collection which shall be deposited in the
 52 state's general revenue fund after payment of premiums for surety bonds as
 53 provided in section 32.087, shall be deposited in a special trust fund, which is
 54 hereby created in the state treasury, to be known as the "City Public Safety Sales
 55 Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state

56 funds and shall not be commingled with any funds of the state. The provisions
57 of section 33.080 to the contrary notwithstanding, money in this fund shall not
58 be transferred and placed to the credit of the general revenue fund. The director
59 shall keep accurate records of the amount of money in the trust fund and which
60 was collected in each city imposing a sales tax under this section, and the records
61 shall be open to the inspection of officers of the city and the public. Not later
62 than the tenth day of each month the director shall distribute all moneys
63 deposited in the trust fund during the preceding month to the city which levied
64 the tax. Such funds shall be deposited with the city treasurer of each such city,
65 and all expenditures of funds arising from the trust fund shall be by an
66 appropriation act to be enacted by the governing body of each such
67 city. Expenditures may be made from the fund for any functions authorized in
68 the ordinance or order adopted by the governing body submitting the tax to the
69 voters. If the tax is repealed, all funds remaining in the special trust fund shall
70 continue to be used solely for the designated purposes. Any funds in the special
71 trust fund which are not needed for current expenditures shall be invested in the
72 same manner as other funds are invested. Any interest and moneys earned on
73 such investments shall be credited to the fund.

74 4. The director of the department of revenue may authorize the state
75 treasurer to make refunds from the amounts in the trust fund and credited to any
76 city for erroneous payments and overpayments made, and may redeem dishonored
77 checks and drafts deposited to the credit of such cities. If any city abolishes the
78 tax, the city shall notify the director of the action at least ninety days before the
79 effective date of the repeal, and the director may order retention in the trust
80 fund, for a period of one year, of two percent of the amount collected after receipt
81 of such notice to cover possible refunds or overpayment of the tax and to redeem
82 dishonored checks and drafts deposited to the credit of such accounts. After one
83 year has elapsed after the effective date of abolition of the tax in such city, the
84 director shall remit the balance in the account to the city and close the account
85 of that city. The director shall notify each city of each instance of any amount
86 refunded or any check redeemed from receipts due the city.

87 5. The governing body of any city that has adopted the sales tax
88 authorized in this section may submit the question of repeal of the tax to the
89 voters on any date available for elections for the city. The ballot of submission
90 shall be in substantially the following form:

91 Shall (insert the name of the city) repeal the

92 sales tax imposed at a rate of (insert rate of percent) percent for the
93 purpose of improving the public safety of the city?

94 YES NO

95 If a majority of the votes cast on the proposal are in favor of repeal, that repeal
96 shall become effective on December thirty-first of the calendar year in which such
97 repeal was approved. If a majority of the votes cast on the question by the
98 qualified voters voting thereon are opposed to the repeal, then the sales tax
99 authorized in this section shall remain effective until the question is resubmitted
100 under this section to the qualified voters, and the repeal is approved by a
101 majority of the qualified voters voting on the question.

102 6. Whenever the governing body of any city that has adopted the sales tax
103 authorized in this section receives a petition, signed by ten percent of the
104 registered voters of the city voting in the last gubernatorial election, calling for
105 an election to repeal the sales tax imposed under this section, the governing body
106 shall submit to the voters of the city a proposal to repeal the tax. If a majority
107 of the votes cast on the question by the qualified voters voting thereon are in
108 favor of the repeal, that repeal shall become effective on December thirty-first of
109 the calendar year in which such repeal was approved. If a majority of the votes
110 cast on the question by the qualified voters voting thereon are opposed to the
111 repeal, then the tax shall remain effective until the question is resubmitted under
112 this section to the qualified voters and the repeal is approved by a majority of the
113 qualified voters voting on the question.

114 7. Except as modified in this section, all provisions of sections 32.085 and
115 32.087 shall apply to the tax imposed under this section.

Copy ✓